

City of Taylorsville
Planning Commission Meeting Minutes
August 28, 2018
Pre-Meeting – 6:00 p.m. – Regular Session – 6:15 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Lynette Wendel – Chair
John Warnas – Vice Chair
Anna Barbieri
Justin Peterson
Don Quigley
Marc McElreath
Becky Scholes (Alternate)
Kent Burggraaf - Excused

Community Development Staff


Mark McGrath – Director of Community Dev
Angela Price – Senior Planner
Amanda Roman – Associate Planner
Stephanie Shelman – Deputy City Attorney
Jean Gallegos – Admin Asst/Recorder

PUBLIC: There were none in attendance.

WORK MEETING – 6:00 P.M.

Mr. McGrath advised the Commissioners that Ms. Angela Price has been promoted to Senior Planner. He also presented two new Commissioners – Marc McElreath and Rebecca (Becky) Scholes, who joined the Commission this evening for the first time.

Mr. McElreath and **Ms. Scholes** both introduced themselves by giving information about their background and reasons for wanting to serve on the Commission.

 6:13 PM **Commissioner Wendel** discussed a conference being held on September 26, 2018 at the Little America Hotel in Salt Lake City, Utah and invited those wishing to attend to contact Staff. **Mr. McGrath** talked about another worthwhile event coming up, regarding a book called “The High Cost of Free Public Parking” by Donald Shupe. It is regarded as one of the most important books written on Urban Planning in the last 20 years or so. The book is 761 pages on parking, which he felt was amazing in itself. He felt it was an interesting and influential book. The American Planning Association local conference is going to be in October and Mr. Shupe will be featured as the key note speaker at that conference. While he was here, the Salt Lake County Planning and Transportation Division decided to sponsor another presentation by Mr. Shupe at the Meridian Events Center in West Jordan, which will be October 4th, 11:30 to 1:30 with lunch being provided. He said he would send the flyer out to everyone and that the presentation was going to be geared more towards elected officials, planning commissioners and developers.

Commissioner Wendel opened the meeting at 6:15 p.m., welcomed those present and explained the meeting would proceed tonight.

CONSENT AGENDA

1. Review/approval of Minutes for August 14, 2018.

MOTION: **Commissioner Quigley** – I move for approval of the Minutes for August 14, 2018 as presented.

SECOND: **Commissioner Peterson**

VOTE: **Commissioner Peterson** – AYE, **Commissioner McElreath** – AYE, **Commissioner Quigley** – AYE, **Commissioner Scholes** – AYE. Motion passes unanimously.

ZONING TEXT AMENDMENT


2. Recommendation to the City Council for a Text Amendment to the Taylorsville Land Development Code: Chapter 13.07 Land Uses in Residential Districts; chapter 13.08 Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts; Chapter 13.11 Special Use Standards; and Chapter 13.36 Definitions.




6:14 PM

- 2.1 **Mr. McGrath** then discussed the content of the zoning text amendment regarding Chapter 13 and the changes previously reviewed.

- 2.1.1 It is a four-part recommendation regarding four different chapters. He reviewed some of the changes being proposed. Most significant change was adding a stating that “Any land use that isn’t specifically identified in


the land use tables is prohibited.”  6:15 PM It is obviously impossible to identify every single land use but if it is not in the table it is automatically prohibited now. With that new statement, Staff was able to go through and cross out two-thirds of Chapter 13.07, the residential matrix. Along with that a further statement was added saying that the Director is given the ability to make an administrative determination for uses that are really close to in terms of their use and impact, intensity, etc. If there is something in the land use table that is close but not exactly, the Director would now have the administrative ability to attach it to the other land use.

2.1.2 Also added were a few land uses, including “mixed use structure”. One concern in the existing Code was that mixed-use is permitted in the commercial zones and in mixed-use, high density residential is also permitted. The concern there was with someone coming in and connecting those dots and building apartment complexes in commercial zones, thus taking away property that has commercial potential and converting it to multi-family uses. The change says that mixed use structures are allowed in commercial zones, so there could still be mixed-use but not a 100% apartment complex. There must be office or commercial uses on the ground floor.

2.1.3 Another thing added was “flea market and second-hand goods”. Currently neither one of those are in the land use table. Also added were several new definitions, including all the alcohol classifications previously discussed, flea market, second hand goods, garage sales, along with amending the definition for “hotel” to basically clarify that there can be a mixed-use hotel with retail at the ground level with hotel uses above that. Also identified were a number of areas that have been high-lighted within the tables.  6:24 PM


2.1.4 There was also a lot of work done concerning food trucks. Recently the State Legislature has adopted new regulations for food trucks that provide guidance which limits what cities can and cannot do with food trucks. Therefore, changes had to be made in the Code to make it consistent.

2.1.5 **Commissioner Wendel** asked if any of these changes did away with allowing rabbits and ferrets or just the licensing detail being involved. **Ms. Price** said that she had checked with the City Receptionist to see how many ferrets had been licensed with the City and she said that there had been none. It is something the City is not going to regulate in the Code. **Mr. McGrath** added that Staff has removed all hobby permits from the land use table given that they are not land uses. While doing that, our associate planner, Amanda Roman, did some work on the animal section of Section 11 and eliminated information that did not make sense.




Commissioner Quigley asked what would happen if someone made a complaint then about rabbits.  6:21 PM **Mr. McGrath** said that Chapter 8 of the City Code is relative to animals, so they would be regulated therein. **Ms. Price** said that generally speaking, relative to the animal issue, Staff’s goal with the land use table revision was to move things from the table that did not belong in the land use realm and were designated as “S”. Admittedly Staff has more work to do with that issue.


2.1.6 **Commissioner Wendel** noted the comment on how Staff has taken on more authority to administer decisions but saw in some instances that authority has been given back to the Commission, such as the roof mounted satellite dishes or solar power. **Mr. McGrath** agreed that satellite dishes and earth stations are unique issues. **Ms. Price** answered the question on earth stations saying that if it exceeds a height requirement it goes to Planning Commission, so if it is under a certain height or in a certain location, then it is essentially permitted but otherwise they need to come to the Planning Commission for a Non-Administrative Conditional Use. **Commissioner Wendel** said that she understood that but found it odd that it would then go to the Planning Commission instead of the Director. **Ms. Price** said that is something they look at. She felt it was one of those like wireless telecommunications facilities for example if they meet certain criteria they are permitted use but if they exceed that criteria they must come before the Planning Commission. The thought was to treat certain other uses the same way. **Mr. McGrath** said he felt it would be smart to look at this on an annual basis to possibly identify those uses that are obsolete. **Commissioner Wendel** said she would nominate Commissioner Burggraaf to help Staff with that. She then asked if Commissioner Burggraaf had given Staff any further feedback since he would not be present this evening. **Mr. McGrath** said that Commissioner Burggraaf had already furnished his comments electronically to him.

2.1.7 **Commissioner Wendel** then said under the “food truck” section she found one line about, if they are going to be operating more than 10 hours a week they would need to do a site plan. **Mr. McGrath** said that comes from the State law. **Commissioner Wendel** wondered if there were any more description that could be added. **Ms. Price** said that State Code says that cities cannot require a site plan anymore unless they are there for 10 hours or more. Essentially the City was trying to address State Code which has a lot of contradictions in four pages but there is a section specific to private property and food trucks on private


property that the City cannot require written consent from a property owner to operate a food truck on their property.  6:26 PM Also, the City cannot require a site plan but, yet the City still needs to know they are not blocking sidewalks, etc. If someone is going to be in a more permanent location, such as Legacy Plaza every day at lunch time for four hours a day, the City wants to be able to have a better understanding of access, parking, etc. The City's hands are tied by State law in this matter. **Commissioner Wendel** said realistically they could be there nine hours every single week. **Mr. McGrath** said that the law that came from the State this past year made it clear that the food truck lobby had been communicating with the legislature who then made some changes without consulting with cities. Staff is obviously concerned whenever a food truck or any other temporary use comes in, where they are parking to make sure their customers are not lining up in a parking lot and putting the public at a safety risk. The food truck lobby approached the legislature and said all these city rules are so onerous, in that someone parks for a half hour and the city requires a site plan for each place. That is why the legislature set the time at ten hours as a random number that makes sense. If they are there for ten hours or less, they can be in and out of there but if they are there for ten hours or more it is a semi-permanent location.


- 2.1.8 **Mr. McGrath** pointed out there had been elimination of a whole bunch of land uses from the residential tables where they were just not permitted across the board but several them were left in which where those that Staff wanted reinforced that they could not be done in a residential area. There were other ones that were seemingly residential in nature where someone might come in and say it should be allowed in a residential zone, such as a homeless shelter but that would not be a good fit there. **Commissioner Peterson** asked for clarification on the meaning of Sheltered Workshop. **Ms. Price** looked up the definition which said it meant, "Non-residential facility providing supervised educational or vocational training facility for persons with a disability."

- 2.1.9 **Mr. McGrath**  said there were some specific issues Staff wanted input from the Planning Commission on before it was sent to the City Council (on September 5th meeting). The first being half pipes, which came up briefly two weeks ago. Right now the Code says there can be half pipes in residential zones, including many regulations attached thereto. Staff wanted more input from the Commission relative to if that should still be permitted in residential zones.  **Commissioner Quigley** said he would say no because they are not controlled. **Mr. McGrath** agreed that it is an intensity that would be better placed in a park than a back yard. **Commissioner Barbieri** felt it might be controlled by placing size restrictions on them if in the back yard.  **Commissioner Wendel** did not think restricting the size would be a good idea in trying to be fair to all. She felt it might be better to just say it is not allowed. **Ms. Price** gave the definition for this as being, *"A smooth surfaced outdoor structure shaped like a trough and used in gravity extreme sports such as snowboarding, skateboarding, freestyle BMX, or in-line skating. The structure is usually wood, although sometimes the surface is made of another material. Appearance wise, it resembles a cross section of a swimming pool, and in its most basic form, it consists of two (2) concave ramps (or quarter pipes), topped by copings and decks, facing each other across a transition."* **Mr. McGrath** said that definition could be amended to say, "over three feet high" or something like that, which would clarify the difference between a kiddie half pipe and one for older kids. Or they could be eliminated altogether. **Commissioner Wendel** added that these always seem to end up in the street instead of the yard anyway but that hasn't been an apparent problem so far.


- 2.1.10 **Mr. McGrath** addressed "dance halls" in commercial zones, saying it is one of those uses that it seems like every time one of these is approved, it eventually has become a problem. They are either not permitted or they are not permitted if adjacent to residential. One question he had was in the mixed-use district where residential and commercial are inclusive, he wondered if the Commission wants dance halls permitted therein. **Commissioner Warnas** wondered if a dance hall was different from a dance studio. **Commissioner Wendel** asked how much more disruptive a dance hall was compared to a pub. **Mr. McGrath** advised that a tavern must get an additional land use approval for dancing. **Commissioner Barbieri** wanted to know if there was a dance hall in Taylorsville and **Mr. McGrath** advised there was not a dance hall per se but there are reception centers which are not licensed as a dance hall.  6:45 PM **Commissioner Warnas** expressed concern about the Zumba studio on 4700 South, which has dancing therein after hours. **Mr. McGrath** commented that dance halls come on all shades of the rainbow – all the way from having Rave in the middle of the night to say, ball room dancing. **Commissioner Warnas** added that he did not know what the actual zoning is, and **Mr. McGrath** said he did not know for sure either at this time and added that the difficulty is that in a mixed-use zone the goal is to create a sense of vitality and land uses that are fun. Therefore, a dance hall could add to that but at the same time, if there is loud music into the night it could become not so enjoyable for those living there. **Commissioner Wendel** asked if there were any other mixed-use area in the


Salt Lake area that comes to mind that have reception centers or dancing allow. Ms. Roman advised there is a bar in downtown Salt Lake City, called the Hotel which presents different theme nights, like “rock night” or “Spanish night” and has living areas above it. Commissioner Wendel added that would not make a difference for singles in their 20’s. The idea is that if this is allowed, then any mixed-use area could do this and might not necessarily be appropriate here. Mr. McGrath said that probably answers the question. There is a place in this valley for it but would not work so well in Taylorsville. He then asked if that meant the use should not be permitted in this change and the consensus was agreeable with that contention. Commissioner Peterson said that he did not agree that they should not be permitted and wondered if it could instead be a non-administrative conditional use to be heard before the Planning Commission to assure certain parameters are met to insure neighboring uses would not be bothered. Commissioner Wendel agreed with Commissioner Peterson and Mr. McGrath that this use would bring a certain vibrancy to the City but was not sure where that would be appropriate in Taylorsville. Commissioner Peterson said that would need to be a forward-looking decision. Commissioner Wendel said she agreed with that premise but wondered if there would be enough strong ammunition in order to turn down an application if it turned out to not be the right area. It is getting more difficult to not approve a conditional use as it is right now.

2.1.11 Commissioner Quigley brought up the issue of when the Fraternal Order of the Eagles came in previously with a proposal across the street from city hall which would allow occasional dancing and other fund-raising activities in their establishment along with serving liquor. Mr. McGrath said in that instance they were applying for a fraternal organization and would need a dance hall license, which is essentially like a liquor license. If it is only on an occasional basis he doubted if there would be a problem. Mr. McGrath said that applicants always have the option to make an ordinance amendment for any land use. Logic is that if someone comes in and wants to know if a dance club is allowed in their particular development, there is a likely chance that they would walk away if they received a negative reply. He asked the Commissioners for a consensus of opinion and the majority said no but could be revisited. Mr. McGrath reiterated that a non-administrative conditional use is a permitted use with conditions added thereto, but there must be standards in Code that correspond directly to those conditions. In this case, in the conditional use section there is a statement that says the City can address nuisances, whether noise, odors, fumes or a particulate, etc. Therefore, the City does have some tools to limit these things somewhat. Commissioner Warnas felt the biggest problem exists with the times allowed. Mr. McGrath said there is a County ordinance in place that the City has adopted. He felt there was enough impotence in the Code to control this through a non-administrative conditional use. Commissioner Wendel asked if she heard from the Commissioners that they are for it with a non-administrative conditional use and their response indicated the majority were in favor of that. 

2.1.12 Also discussed in depth this evening were flea markets, second hand goods outlets and reception centers, especially as they relate to alcohol permits.  7:10 PM Commissioner Wendel summarized what transpired during this discussion and advised that Staff will meet with City Administration on this and it will be moving their recommendation forward to the City Council.

2.2 **SPEAKING:** Commissioner Wendel opened the public hearing and since there was no one wishing to speak, closed the public hearing and opened the meeting to discussion or a motion by the Commission.



2.3 **MOTION:** Commissioner Warnas – I move that we send a recommendation of approval for the City Council for File #12Z18 and #13Z18, with Exhibits A, B, and C of the August 28th, 2018 Staff Report.  7:16 PM
SECOND: Commissioner Barbieri
Mr. McGrath asked that the statement be included that this is in addition to the input and direction given tonight. Commissioner Warnas - I will add that to my motion to say, “With the input and recommendations made this evening.” Commissioner Barbieri – I will second that change.

Commissioner Wendel restated the motion.  7:16 PM – We have a motion to send a positive recommendation to the City Council for a text amendment to the Taylorsville Land Development Code, Chapter 13.07, Land Uses in Residential Districts; Chapter 13.08, Land Uses in Commercial, Office and Industrial, Mixed Use, Transit Corridor and Research and Development Districts; Chapter 13.11, Special Use Standards, and Chapter 13.36, Definitions, File 12Z18 and 13Z18, with the additional information and recommendations made this evening.

VOTE: Commissioner Peterson – AYE, Commissioner McElreath – AYE, Commissioner Quigley – AYE, Commissioner Scholes – AYE. Motion passes unanimously.

WORK SESSION

3. Discussion on Planning Fundamentals (Amanda Roman/Associate Planner).

- 3.1 **Ms. Roman** presented this item  7:18 PM and went over the types of Planning applications as being (1) Administrative Applications, which includes Conditional Use Permits, Permitted Uses and Subdivisions and Lot Line Adjustments; (2) Legislative Applications, which include Zoning Map/Text Amendments, General Plan Map/Text Amendments and Master Plans. She further explained Conditional Use Permits as being (1) Administrative which are approved at a staff level by the Director. If the applicant meets the conditions outlined in City Code, staff cannot deny the CUP. Some examples of those type applications are Hobby permits, accessory structures, home occupations, etc. (2) Non-administrative – are approved by the Planning Commission after holding a public hearing. Applicant must address all conditions outlined in City Code, and address any potential detrimental impacts or effects, and their mitigation. Some examples of these are extending hours of operation, heavy commercial uses, specialty businesses, etc.
- 3.2 **Ms. Roman** reviewed the appeals process for ALJ as follows: The applicant may appeal a Planning Commission decision by filing the appeal in writing with the City Recorder within ten calendar days of the date of the decision. That no new information may be submitted. The applicant has the burden of proving that the Land authority erred in their decision, and an administrative decision will be upheld if it is shown that is “reasonably debatable” that the action may promote the public welfare. With regard to a variance request, she said they are only granted with the five specific circumstances outlined in State Statute. Commissioners asked for an example of what may qualify for a variance and Staff offered that the property on 2700 West and 5400 South where 7-II wants to build a store. **Mr. McGrath** advised that there is an existing physical feature (the canal) which prevents them meeting all setbacks of the zone.
- 3.3 **Mr. McGrath** went on to explain the difference between Administrative and Legislative is that Legislative is setting the law and Administrative is administering the law. So, the Staff and the Planning Commission are administrative in nature and the City Council is legislative in nature. They are making the laws Staff and the Planning Commission are enforcing the laws. The Legislature in one of the last two sessions made it very clear that the two should never mix. Legislative bodies need to deal with legislative issues and Administrative bodies need to deal with administrative issues. That is why Planning Commission decisions, conditional use appeals, can no longer go to the City Council. They must be handled administratively. It delves into the issue of public clamor and ex parte communication that is discussed that is discussed a lot where they talk about. With an administrative act there should be no communication outside of the Chambers where the decision is being made but telling someone that they cannot talk to their elected official or elected representative obviously flies in the face of the form of government. That is the main reason the Legislature is saying never mix the two.  7:40 PM

CITY COUNCIL MEETING DISCUSSION: **Mr. McGrath** gave a narrative of what transpired during the last City Council Meeting. One note of concern was the dwindling membership of some of the volunteer committees and he asked for the Commissioner’s help in soliciting volunteers for these committees.

ADJOURNMENT: By motion of **Commissioner Quigley** and second by **Commissioner Peterson**, the meeting was adjourned at 7:53 p.m.

Respectfully Submitted By:

Jean Gallegos, Admin Assistant/Recorder for the
Taylorsville City Planning Commission

Minutes approved in the meeting held on Oct 9, 2018.